

**DETAILED ACTION*****Specification******Drawings***

1. The drawings are objected to because they include the following reference characters not mentioned in the description:

- a. A, B, C, and D of Fig. 2A
- b. A, B, C, E, and F of Fig. 2B
- c. D, E, and F of Fig. 2C.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
3. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.
4. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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5. **Claims 1-21 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 and 24-25 of copending Application No. 10/812,181. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-21 of the application are broader in scope than claims 1-21 and 24-25 in conflicting application and therefore an obvious variant.**
6. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 6, 14, and 16-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to provide sufficient information as to what problem is solved or what benefit is achieved by feeding the receiver outputs into the inputs of the amplifiers (active devices). For purposes of art rejection, examiner interprets the specification as written to say that the data signal from the respective receiver is sent upstream on the transmission line to the video source.

Regarding Claims 18-20, these claims are rejected based on their dependency on independent Claim 16.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jelinek et al. U.S. Patent 5,826,167.**

a. Regarding Claim 1, Jelinek et al. discloses a video system (column 4, lines 39-41), comprising:

a video source operable to transmit an active video signal on a transmission line (FIG. 2, element 30 and column 5, lines 55-59);

a plurality of video receivers (column 5, lines 59-61), each said receiver being operable to transmit a respective data signal on a respective one of a plurality of ports (column 5, line 67 through column 6, lines 1-2); and

a distribution device electrically connected to said transmission line and to each of said ports (column 6, lines 20-21), said distribution device being operable to transmit each of the data signals to said video source on said transmission line (column 9, lines 29-33), said distribution device including a plurality of amplifiers (column 5, lines 57-59), each said amplifier having an input and an output, each said amplifier being operable to receive signals on said input for transmission on said output as amplified signals

(Although Jelinek is silent on specific functions of amplifiers, it is understood and expected that the amplifier(s) in Jelinek includes an input, output, and gain), each said amplifier being operable to block signals received on said output from being transmitted on said input (column 6, lines 56-61, Jelinek uses filters in conjunction with amplifiers to prevent forward signal from reaching reverse path), each said amplifier being operable to transmit a respective said amplified signal to a respective one of said receivers on a respective one of said ports (column 6, lines 19-26), each of the amplified signals being dependent upon the active video signal and upon a data signal from the receivers other than said respective receiver (column 6, lines 56-60. Examiner interprets data signal dependency to mean upstream data received at video source influences content of active video signal delivered to receivers).

b. Regarding Claim 2, Jelinek et al. discloses a system wherein the data signals transmitted by said receivers comprise upstream data signals (column 5, line 67 through column 6, lines 1-5 and column 6, lines 15-18), said video source being operable to transmit the active video signal and a downstream data signal (column 5, lines 55-57, and lines 61-63) on said transmission line (column 5, lines 55-59), each said amplified signal being dependent upon the active video signal, the downstream data signal, and an upstream data signal from a receiver other than said respective receiver (column 6, lines 56-60. Examiner interprets data signal dependency to mean upstream data received at video source influences content of active video signal delivered to receivers).

c. Regarding Claim 3, Jelinek et al. discloses a system wherein each said amplified signal is dependent upon the active video signal and upon each of the data signals from

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the receivers other than said respective receiver (column 6, lines 56-60. Examiner interprets data signal dependency to mean upstream data received at video source influences content of active video signal delivered to receivers).

d. Regarding Claim 4, Jelinek et al. discloses a system wherein each said amplifier comprises a one-way active device that transmits signals only on its output (column 4, lines 59-63).

e. Regarding Claim 5, Jelinek et al. discloses a distribution device includes bypass circuitry operable to transmit the data signals from each of the receivers to the transmission line and to the inputs of said amplifiers such that the data signals bypass said amplifiers (FIG. 4. Jelinek's invention is an implementation of a bypass system allowing upstream data signals to arrive at the video source).

f. Regarding Claim 6, Jelinek et al. discloses a system where bypass circuitry is operable to transmit the data signals from each of the receivers to the transmission line (column 6, lines 62-66) and to the inputs of all of said amplifiers not corresponding to said receiver from which said data signal originates (Examiner previously noted the presumption of the data signal from the respective receiver is sent upstream on the transmission line to the video source).

g. Regarding Claim 7, Jelinek et al. discloses a transmission line comprises a coaxial cable (column 6, lines 19-21 and FIG. 3, element 27).

h. Regarding Claim 8, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 1 above and because the scope of the claim is similar.

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- i. Regarding Claim 9, all the limitations are captured in Claim 1, therefore Claim 9 has been analyzed and rejected for the same reasons set forth in the rejection of Claim 1 above and because the scope of the claim is similar.
- j. Regarding Claim 10, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 2 above and because the scope of the claim is similar.
- k. Regarding Claim 11, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 3 above and because the scope of the claim is similar.
- l. Regarding Claim 12, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 4 above and because the scope of the claim is similar.
- m. Regarding Claim 13, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 5 above and because the scope of the claim is similar.
- n. Regarding Claim 14, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 6 above and because the scope of the claim is similar.
- o. Regarding Claim 15, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 7 above and because the scope of the claim is similar.
- p. Regarding Claim 16, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 1 and 8 above and because the scope of the claim is similar. In regards to bypass limitation, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 6 above and because the scope of the claim is similar.
- q. Regarding Claim 17, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 6 above and because the scope of the claim is similar.

- r. Regarding Claim 18, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 1 above and because the scope of the claim is similar.
- s. Regarding Claim 19, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 2 above and because the scope of the claim is similar.
- t. Regarding Claim 20, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 4 above and because the scope of the claim is similar.
- u. Regarding Claim 21, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 6 above and because the scope of the claim is similar.

### ***Conclusion***

- 11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. U.S. Patent No. 5,937,330 to Vince et al. discloses a device which eliminates ingress noise introduced at each tap location or at any point within the CATV communication network from entering the communication network in the upstream communication path.
  - b. U.S. Patent Application Publication No. 2003/0157885 to Lukkarila et al. discloses a CATV amplifier bypass repeater that permits digital data signals to be regenerated or repeated, in both directions.
  - c. U.S. Patent No. 6,345,390 to Eto et al. discloses an invention that provides a bidirectional digital signal transmission system for transmitting and receiving digital signals.

**Contact Info**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LORENZO C. ARAGON whose telephone number is (571)270-3727. The examiner can normally be reached on 8:00 AM - 10:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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